

Attorney Docket No.: KUZ-0019  
Inventors: Yasukochi et al.  
Serial No.: 10/502,474  
Filing Date: July 23, 2004  
Page 4

**REMARKS**

Claims 1-7 are pending in the instant application. Claims 1-7 have been rejected. Claim 1 has been amended. Claims 3 and 7 have been canceled in light of the amendments to claim 1. Claim 8 has been added. Support for these amendments is provided in the specification at page 5, lines 3-6, page 8, line 10 through page 9, line 3 and the Examples beginning at page 18. Thus, no new matter has been added. Entry of these amendments and the following remarks is respectfully requested.

**I. Objection to Claims 1-7**

Claims 1-7 have been objected to. Specifically the Examiner suggests that phrasing of claim 1 in lines 2-4 should be changed to --at least one of the kinds of acrylic or methacrylic monomer unit and at least one of the kinds of monomer unit having a hydroxy group, the polymer--. Thus, in an earnest effort to advance the prosecution, Applicants have amended the claims in accordance with the Examiner's suggestion. No new matter is added by these amendments and entry is respectfully requested.

**II. Rejection of Claims 1-7 under 35 U.S.C. 102(b)**

Claims 1-7 have been rejected under 35 U.S.C. 102(b) as being anticipated by Tsubota et al. (U.S. Patent 5,049,417). The Examiner suggests that Examples 4-7 and 9 of Tsubota et al. disclose an acrylic adhesive obtained from the

Attorney Docket No.:  
Inventors:  
Serial No.:  
Filing Date:  
Page 5

KUZ-0019  
Yasukochi et al.  
10/502,474  
July 23, 2004

copolymerization of 2-ethylhexyl acrylate, ethyl acrylate, N-vinyl-2-pyrrolidone, acrylate, and 2-hydroxyethyl acrylic acid. Further, the Examiner suggests that Tsubota et al. at col. 11, lines 21-32 disclose use of boric acid as a crosslinking agent. The Examiner also suggests that while col. 6, lines 35-51 teach application of water containing a crosslinking agent onto the adhesive layer, the amount of water left on the adhesive plaster would be trace, thus reading on "substantially no water."

Applicants respectfully traverse this rejection.

The air-permeable adhesive tape of Tsubota et al. is produced by applying water drops on a layer of solution on a substrate wherein the solution contains an adhesive material and an organic solvent. The water drops are allowed to sink into the layer; they have a specific diameter ranging from 10 to 1000  $\mu\text{M}$ ; and they are applied onto the surface in a total amount ranging from 5 to 200  $\text{g}/\text{m}^2$ . Accordingly, use of water is clearly essential to the production of the air-permeable adhesive tapes of Tsubota et al.

In contrast, the adhesive and patches of the present invention contain substantially no water. It is taught at page 5, lines 3-6 of the instant specification that by substantially no water, it is meant that no water is used in the production of the adhesive or the patch. Further, no water is used in the production of any of the exemplary

Attorney Docket No.: KUZ-0019  
Inventors: Yasukochi et al.  
Serial No.: 10/502,474  
Filing Date: July 23, 2004  
Page 6

adhesives disclosed beginning at page 18 of the instant specification. Thus, the adhesive and patch of the present invention are clearly different to the air-permeable adhesive tapes of Tsubota et al.

Accordingly, in an earnest effort to advance the prosecution of this case and to clearly differentiate the instant invention from prior art teachings such as Tsubota, Applicants have amended claims to state that substantially no water is used in the production of the adhesive. This amendment is clearly supported by teachings in the specification at page 5, lines 3-6 and in the Examples beginning at page 18.

Since Tsubota only teaches adhesives which require water for their production, this reference cannot anticipate the invention as claimed.

Withdrawal of this rejection under 35 U.S.C. 102(b) is therefore respectfully requested.

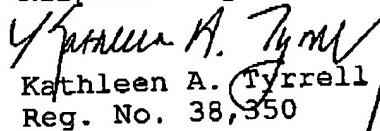
### **III. Conclusion**

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record.

Attorney Docket No.: KUZ-0019  
Inventors: Yasukochi et al.  
Serial No.: 10/502,474  
Filing Date: July 23, 2004  
Page 7

Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

  
Kathleen A. Tyrrell  
Reg. No. 38,350

Date: June 23, 2005

LICATA & TYRRELL P.C.  
66 E. Main Street  
Marlton, New Jersey 08053  
(856) 810-1515